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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,241	08/17/2001	Doug Rollins	500964.01	4822

27076 7590 07/21/2006

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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/932,241	ROLLINS, DOUG
	Examiner Peling A. Shaw	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-10,16-20 and 22-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8-10,16-20 and 22-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Amendment received on 04/25/2006 has been entered into record. Claims 1 and 16 are amended. Claims 7, 11-15 and 21 are cancelled. Claims 1-6, 8-10, 16-20 and 22-46 are currently pending.

Claim Rejections - 35 USC § 112, second paragraph

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-28 are rejected under 35 U.S.C. 112, second paragraph as following:

- a. Claim 27 recites the limitation of "The network computer of claim 25 wherein the broadband communications ...". There is insufficient antecedent basis for this limitation in the claim.
- b. Claim 28 depends upon claim 27.

For the purpose of applying art, claims 27-28 are read as "The network computer of claim 26 wherein the broadband communications ..." respectively.

Claim Rejections - 35 USC § 112, first paragraph

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the original specification and claims in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. Claims 1, 8, 16, 22, 2, 34 and 37 contain claim the limitations of "... reset at least some of the user ...", "... resetting at least some of the user ..." and "...at least some the default values ..." that are not clear and indefinite. It would require undue experimentation for one of ordinary skill in the networking art at the time the invention was made to be able to add and test all these functions inclusively rather than just pick a particular function for implementation. Claims 1, 8, 16, 22, 2, 34 and 37, and their depending claims 2-6, 9-10, 16-20, 22-24, 26-33, 35-36, 38-43 are thus rejected. For the purpose of applying art, the limitations are read instead of as "... reset at least one of the user ..." and "...at least one of the default values ...".

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 8-10, 16, 18-20, 22--26, 28-32, 34-37 and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rive (US 6301666 B1), hereinafter referred as Rive, in view of Largman et al. (US 20020188887 A1), hereinafter referred as Largman.

- a. Regarding to claim 1, Rive shows a network computer system, comprising: a processor; a memory device coupled to the processor, the memory device containing an embedded operating system that is executed by the processor (Fig. 4 and 14; column 4, lines 4-12: operating systems, partition, hard disk, FDISK); a network communication circuit coupled to the processor; the network communication circuit being adapted to allow the processor to communicate over a computer network with computer resources coupled to the network (Fig. 4, 13 and 14: network interface device, network, internet); and a mass storage device coupled to the processor, the mass storage device storing user preference data and user file data that may be accessed by the processor (Fig. 4, 14: storage device, drive unit; column 6, lines 1-33: operating system software, application software, user access registry, profile, supporting partition; column 7, lines 47-67: user preference, configuration, user documents, spreadsheet). Rive does not show a user preferences reset device and a user file data reset device coupled to the mass storage device, the user preferences reset device operable to reset at least some of the user preferences when activated and the user file data reset device operable to reset at least some of the user file data when activated.
- b. Largman shows a user preferences reset device and a user file data reset device coupled to the mass storage device, the user preferences reset device operable to reset at least some of the user preferences when activated and the user file data reset device operable to reset at least some of the user file data when activated (paragraphs 1, 21:

switch on and off to rest hardware and software settings, including storage device) in an analogous art for the purpose of computer with switchable components.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Rive's functions of providing multiple configurations for different user with Largman's functions of being able to repair (reset) software system per different user setup.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to be able to repair multi-user system per Largman's teaching (paragraph 2) as providing system for multiple users per Rive and Largman's teaching (column 1, lines 55-65).
- e. Regarding claim 2, Rive shows wherein the network communication circuit comprises a broadband communications device (column 8, lines 28-51: digital subscriber loop).
- f. Regarding claim 4, Rive shows wherein the broadband communications device comprises a DSL modem (column 8, lines 28-51: digital subscriber loop).
- g. Regarding claim 5, Rive shows wherein the mass storage device comprises a hard disk (column 3, lines 21-51: hard drive).
- h. Regarding claim 6, Rive shows wherein the hard disk comprises a user preferences partition and a user file data partition that store associated user preference data and user file data, respectively, with the data in each partition being capable of being set to desired values independently of the data in the other partition (Fig. 4, 14: storage device, drive unit; column 6, lines 1-33: operating system software, application

software, user access registry, profile, supporting partition; column 7, lines 47-67:
user preference, configuration, user documents, spreadsheet).

- i. Regarding claim 8, Largman shows wherein the embedded operating system includes system parameters having associated default values, at least some the default values being adjustable, and the memory device comprises a reset device for resetting the system parameters to the default values (paragraph 287: setup for multiple user).
- j. Regarding claim 9, Largman shows wherein the memory device comprises a FLASH memory device (paragraph 34: flash ROM chip).
- k. Regarding claim 10, Rive shows wherein the processor comprises a microprocessor and associated support components, and includes a user input and a user output device Fig. 14: input device, cursor control device, video display.
- l. Claims 16, 18-20 and 22-24 are of the same scope as claims 1-2, 4-6 and 8-10. These are rejected for the same reasons as for claims 1-2, 4-6 and 8-10.
- m. Claims 25-26, 28-29 and 31-32 are of the same scope as claims 1-2, 4-6 and 8-10.
These are rejected for the same reasons as for claims 1-2, 4-6 and 8-10.
- n. Regarding claim 30, Largman shows wherein each of the first, second, and third reset devices comprises a switch having an actuator that is adapted to be activated in response to a physical action of a user (paragraph 2: a switch, push a button, or speak a command).
- o. Claims 34-36 are of the same scope as claims 1-2, 6, 8 and 30. These are rejected for the same reasons as for claims 1-2, 6, 8 and 30.

- p. Claims 37 and 39-43 are of the same scope as claims 1-2, 4-6, 8-10 and 30. These are rejected for the same reasons as for claims 1-2, 4-6, 8-10 and 30.
- q. Claims 44-46 are of the same scope as claims 1-2, 6, 8 and 30. These are rejected for the same reasons as for claims 1-2, 6, 8 and 30.

Together Rive and Largman disclosed all limitations of claims 1-2, 4-6, 8-10, 16, 18-20, 22--26, 28-32, 34-37 and 39-46. Claims 1-2, 4-6, 8-10, 16, 18-20, 22--26, 28-32, 34-37 and 39-46 are rejected under 35 U.S.C. 103(a).

5. Claims 3, 17, 27, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rive (US 6301666 B1), hereinafter referred as Rive, in view of Largman et al. (US 20020188887 A1), hereinafter referred as Largman, and Puente et al. (US 20030033606 A1), hereinafter referred as Puente.

- a. Rive and Largman show claims 1-2, 16, 25-26 and 37 as above. Neither Rive nor Largman show (claim 3) wherein the broadband communications device comprises a cable modem.
- b. Puente shows wherein the broadband communications device comprises a cable modem (paragraphs 4 and 39: cable, internet and modem) in an analogous art for the purpose of streaming media publishing.
- r. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Rive's functions of providing multiple configurations for different user with Largman's functions of being able to repair (reset) software system per different user setup and Puente's functions of using modem to transmit data and video for cable operators.

- c. The modification would have been obvious because one of ordinary skill in the art would have been motivated to be able to repair multi-user system per Largman's teaching (paragraph 2) as providing system for multiple users per Rive, Largman's (column 1, lines 55-65) and Puente (paragraph 2)'s teaching.
- d. Claims 17, 27 and 38 are of the same scope as claim 3. These are rejected for the same reasons as for claim 3.
- e. Regarding claim 33, Puente shows wherein the memory device contains a router program that is executed by the processor to operate the network computer in a Web-caching mode of operation, and the network communication circuit is adapted to allow the processor to communicate over a second computer network, the processor executing the router program to cache files on the mass storage device and provide users coupled to the second computer network with selected cached files responsive to user requests for the selected files (paragraph 10: web cache server for interest access).

Together Rive, Largman and Puente disclosed all limitations of claims 3, 17, 27, 33 and 38.

Claims 3, 17, 27, 33 and 38 are rejected under 35 U.S.C. 103(a).

Response to Arguments

6. Applicant's arguments dated 04/25/2006 with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.
 - a. Applicant alleges that the prior art, i.e. Cheston et al. (US 20030135350 A1) is filed after the current application. Additional search is performed to identify more prior arts as used in the rejection section above and as mentioned in the remark section below in the current office action.

Remarks

7. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.
- a. Bruckert et al. (US 5251227 A) Targeted resets in a data processor including a trace memory to store transactions
 - b. Falik et al. (US 6065078 A) Multi-processor element provided with hardware for software debugging
 - c. Mancusi et al. (US 6418481 B1) Reconfigurable matrix switch for managing the physical layer of local area network
 - d. Gold et al. (US 20020053044 A1) Self-repairing operating system for computer entities
 - e. Gold (US 20020053047 A1) Managing disk drive replacements on multidisk headless appliances

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peeling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pas *PKS*

Wm C Vaughn
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